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C O N F I D E N T I A L SECTION 01 OF 02 TASHKENT 001197

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TAGS: [PHUM](#) [KIRF](#) [UZ](#)

SUBJECT: JEHOVAH'S WITNESS SAMARKAND CONVICTION UPHELD ON APPEAL

Classified By: CDA BRAD HANSON, FOR REASONS 1.4 (B, D)

**¶1.** (C) Summary: A Jehovah's Witness in Samarkand was convicted on May 14 of illegally teaching religion and sentenced to two years' imprisonment. His associates claimed he had never committed the act of which he was accused, and that testimony favorable to his case had been erased from trial records. They reported also that the defendant was beaten in detention after his conviction. Court authorities refused to admit foreign observers to the appeal hearing, at which judges upheld the original sentence. The timing was unfortunate, coming the week before a visit by Ambassador at Large for International Religious Freedom John Hanford. Authorities could easily have arranged for the release of this prisoner of conscience as a show of goodwill, or at least admitted a diplomat to observe the proceedings. They chose not to do so. End summary.

**¶2.** (C) On May 14, a district criminal court in Samarkand convicted Jehovah's Witness Irfan Hamidov of illegally teaching religion and sentenced him to two years' imprisonment in a labor colony. According to Jehovah's Witnesses sources, two "victims" in the case -- i.e., those to whom Hamidov was allegedly ministering -- in their court testimony initially denied ever having seen or met Hamidov. Two days later, the two witnesses reportedly recanted their statements and stated that Hamidov had ministered to them, as was written in prepared statements over their signatures. Hamidov's lawyer told Poloff that he examined the court records of his initial trial and found that the initial testimony of the two "witnesses," which would have supported Hamidov's case, had been expunged and replaced with the prepared text incriminating Hamidov. Following the conviction, according to fellow church members, Hamidov was severely beaten in detention.

**¶3.** (C) On June 19, the Samarkand Province Criminal Court was scheduled to hear Hamidov's appeal. The Amcit Associate General Counsel of Jehovah's Witnesses, based in New York, traveled to Uzbekistan to meet with Uzbek officials and assist in Hamidov's defense. A Kazakh citizen attorney traveled from Almaty to represent Hamidov in court, together with an Uzbek-citizen attorney already engaged in the case. Poloff traveled to Samarkand to monitor the proceedings.

**¶4.** (C) The appeal hearing, initially scheduled to begin at 10:00 a.m. on June 19, was delayed until late afternoon without explanation, and then postponed until two days later. Court clerks invited the defendants' immediate family

members into the courtroom, but refused to admit Poloff, the Associate General Counsel, or the Kazakh attorney. One of the court judges, speaking to the Uzbek attorney, refused to admit any foreign citizens, citing a June 2005 Cabinet of Ministers decree which requires all foreigners to receive advance written permission of the Supreme Court in order to observe criminal court proceedings. (Note: Another judge in the case, when the attorney presented an official letter from the Embassy requesting permission for Poloff to monitor the hearing, literally jumped from his seat and hurriedly left the courtroom. End note.)

¶15. (C) The hearing commenced on June 21, and again judges prohibited foreign visitors from entering. (Note: The Foreign Ministry's response to Post's diplomatic note requesting access was that, because of the late submission, access would unfortunately not be possible. End note.) Those who were admitted to the courtroom reported that Hamidov's sentence remained unchanged. The judge refused to entertain a motion to have the court records from the original trial re-examined, or to have observers from the original trial testify as to the actual testimony of the witnesses. However, Hamidov's sister was allowed to submit testimony corroborating Hamidov's defense.

¶16. (C) Comment: The timing of Hamidov's case was particularly unfortunate for the Uzbek Government, coming immediately before the arrival of Ambassador at Large for International Religious Freedom John Hanford for meetings to discuss ways to remove Uzbekistan from the list of Countries of Particular Concern. Hamidov's case exemplifies several of the reasons that Uzbekistan was placed on the list, including targeted prosecution of adherents of particular faiths, enforcement of a draconian ban on proselytism, and physical mistreatment of

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religious prisoners. The trial process also highlights another more general human rights problem: the closed-open trial, to which only selected observers are admitted. Recent experience has demonstrated that, when officials in Tashkent so desire, they can easily arrange for the quick release of prisoners who have been wrongly convicted, or at the very least allow for diplomats to observe criminal trials, regardless of any decree to the contrary. In this case, the Government simply chose the opposite path.

HANSON